

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda August 25, 2015 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Council President Isis Garcia-Martinez

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Presentation by Mayor Hernandez of a Certificate of Appreciation to Dale Barrett, who is now retired, for his 28 years of service to the City of Hialeah as an employee.
- Recognition of the City of Hialeah as a pioneer in the inclusion of special populations in municipal programs. The City of Hialeah was awarded 2015 Most Innovative Project at the Florida Festivals and Events Association SUNsational Awards. Through the City's Special Population Program, Projects Search and Project Victory, and the inclusion of children with disabilities in the Creative Learning & Play Programs, participants have found a community of

support and a channel to prosper and contribute to the workforce. (EDUCATION & COMMUNITY SERVICES DEPT.)

- Recognition of the City of Hialeah Communications and Special Events team on its creative and professional marketing efforts for the 2014 Bridal Expo. From over 400 marketing entries the City of Hialeah placed third in the category of *Printed Materials – Tickets & Invitations* for the Bridal Expo “Save the Date” Bridal Invitation and in the *Outdoor Advertisement* category for the Bridal Expo billboard advertisement at the 2015 Florida Festivals and Events Association SUNsational Awards. (EDUCATION & COMMUNITY SERVICES DEPT.)

1. Announcement of Amendments/Corrections to the Agenda – **Item PZ 2-Shoma Retail needs to be postponed until the Council Meeting of September 8, 2015 due to required advertising.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on August 11, 2015 (OFFICE OF THE CITY CLERK)
- B. Proposed resolution issuing a Certificate of Appropriateness to Sonia Beckelheimer, to allow the owner to re-roof the flat roof portion of her residential property, located at 45 Olive Drive, and apply for the necessary building permit(s) in connection therewith. (OFFICE OF THE CITY CLERK)

Item was approved by the City's Historic Board on August 19, 2015.

- C. Request permission to enter into a one year partnership agreement with Molina Healthcare, Inc., commencing on September 1, 2015, to become the official partner and sponsor as the “Official Wellness Partner of the Victor Wilde Community Center”, in exchange for a total annual sponsorship fee of \$24,000 and an advertising fee of \$5,850. Further request permission to compensate Florida Municipal Marketing, LLC, vendor providing consulting services to the City to improve and build the City’s sponsorship program, for negotiating the partnership between the City and Molina Healthcare, Inc., with the consulting fee being a percent (20%) commission for the sale of agreed upon naming rights and partnership programs based on the receipt of proceeds, payable upon receipt of each sponsorship installment. (EDUCATION & COMMUNITY SERVICES DEPT.)
- D. Request permission to increase purchase order # 2015-242, since it advantageous to the City, issued to Kelly Tractor Co, to purchase caterpillar parts and services for the City’s Caterpillar heavy equipment, in an additional amount of \$10,000, for a new total cumulative amount not to exceed \$40,000. (FLEET MAINTENANCE DEPT.)
- E. Request permission to increase purchase order # 2015-253, since it is advantageous to the City, issued to KVP Enterprises Inc d/b/a Expert Diesel, to purchase parts and equipment for City

trucks, by an additional amount of 20,000, for a new total cumulative amount not to exceed \$120,000. (FLEET MAINTENANCE DEPT.)

- F. Request permission to increase purchase order # 2015-293, since it is advantageous to the City, issued to Law Enforcement Psychological and Counseling Associates, Inc., to provide psychological screening services for the hiring of certified police officers, firefighters and the Employee Assistance Program, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$40,000. (HUMAN RESOURCES DEPT.)
- G. Request permission to increase purchase order # 2015-748, issued to the law firm of Hawkins, Delafield & Wood, LLP, for anticipated costs to be paid in connection with legal representation for the design/construction/operation of the Reverse Osmosis Water Treatment Plant, including, but not limited to, post-contract issues that have arisen during the completion of the construction phase of the Reverse Osmosis Water Treatment Plant, by an additional amount of \$28,000, for a new total cumulative amount not to exceed \$85,215.22. (LAW DEPT.)
- H. Request permission to enter into a two (2) year rental agreement, with a one-year renewal option, with Florida National University, commencing on August 1, 2015 and ending on August 1, 2017, for the use of the Bucky Dent Gymnasium and the general soccer field and soccer complex at Goodlet Park for the university's soccer, volleyball and basketball practices and games, with rental fees to be waived in lieu of payment from Florida National University to the City in a total amount of \$74,111.78, of which \$50,000 is for technology upgrades for the City's parks and main office and \$24,111.78 is for athletic and equipment upgrades at Bucky Dent and Goodlet Park. (PARKS AND RECREATION DEPT.)
- I. Request permission to enter into a two (2) year rental agreement with ASA College, commencing on August 1, 2015 and ending on August 1, 2017, with a one-year renewal option, for the use of the Ted Hendricks Stadium at Milander Park for the college's football practices and games, with all facility rental fees to be waived in lieu of payment from ASA College to the City in a total monetary or in-kind donation of \$45,342.97 for needed upgrades to the Ted Hendricks Stadium. (PARKS AND RECREATION DEPT.)
- J. Proposed resolution ratifying the Mayor's approval of an expenditure totaling an amount not to exceed \$157,480.00 from the Law Enforcement Trust Fund-*Federal*, for the purchase of eight (8) 2015 Chevrolet Impala Police Package Vehicles from Lou Bachrodt Coconut Creek Chevrolet, utilizing the pricing established by a competitive bid from the Florida Sheriff's Association, Bid # 14-22-0904, upon such costs being approved by the Chief of Police. (POLICE DEPT.)
- K. Request permission to issue a purchase order to Florida Bullet Incorporated, sole source vendor, for the purchase of Speer Brand law enforcement ammunition for training, officer certifications, and for the S.W.A.T. Team, in a total cumulative amount not to exceed \$30,000. (POLICE DEPT.)
- L. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation, for sidewalk restoration on East 7 Avenue from 57 Street to 65 Street and East 57 Street from East

7 Avenue to 8 Avenue, in a total cumulative amount not to exceed \$16,312.73. (STREETS DEPT.)

- M. Request permission to issue a purchase order to Acosta Tractors Inc, since it is advantageous to the City in that this vendor has agreed to extend the lowest unit pricing established by Hialeah Bid # 2012/13-3210-00-038, for the reconstruction of Southeast 1st Street and Southeast 1st Place from East 6 Avenue to East 8 Avenue, in a total cumulative amount not to exceed \$810,130.45. (STREETS DEPT.)
- N. Request from Miami Tri Events, for a Temporary Street Closure Permit, for the 2015 Ironman 70.3 Miami, with the 56 mile route beginning at Bayfront Park in Downtown Miami and traveling Northwest on US 27/Okeechobee Road, one lane North and on lane South, on Sunday, October 25, 2015 from 7:00 a.m. to 4:00 p.m. (LAW DEPT.)
- 3. Second reading and public hearing of proposed ordinance adopting a Text Amendment to the Future Land Use Element of the Hialeah, Fla., Comprehensive Plan 2003-2015 to include a new Transit Oriented Development Future Land Use District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was approved on first reading by the City Council on August 11, 2015.

- 4. First reading of proposed ordinance adopting the City of Hialeah 20-Year Water Supply Facilities Work Plan Update and related Text Amendments to the Potable Water Element, Conservation Element, Intergovernmental Coordination Element and Capital Improvement Element of the Hialeah, Fla., Comprehensive Plan 2003-2015; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was approved by the Planning and Zoning Board on August 12, 2015.

- 5. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 11. CR Commercial-Residential District of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code § 98-877 entitled “Uses Permitted and Regulations”, to include Self-Storage Facilities as a permitted use; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date. (ADMINISTRATION)

Item was approved by the Planning and Zoning Board on August 12, 2015.

6. Board Appointments –

- a. Proposed resolution appointing **Luis A. Zubieta** to the Personnel Board of the City of Hialeah, as the Mayor’s appointment, for a two (2)-year term ending on August 25, 2017. (MAYOR HERNANDEZ)

7. Unfinished Business –

8. New Business –

- a. Report to the City Council of financial disclosure submittals for the year ending in 2014, pursuant to Section 26-36(d) of the Hialeah City Code. (OFFICE OF THE CITY CLERK)

B. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 79-100 (August 14, 1979) which granted a Variance Permit waiving off-street parking requirements for an addition to the building of approximately 14,666 square foot; approving the release of a Unity of Title dated April 24, 1972, recorded in Official Records Book 7685, Page 595, of the Public Records of Miami-Dade County, Florida; and granting a Variance Permit to allow 48 parking spaces, where 230 are required, contra to Hialeah Code § 98-2189(4)j. **Property located at 1245 West 69th Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Leslie A. Lewis, Attorney for AT&T Florida*)

<i>Item was approved on first reading by the City Council on August 11, 2015.</i>

<i>The City Council overturned the recommendation of denial of the Planning and Zoning Board and approved the item on June 23, 2015.</i>

<i>Item was postponed by the City Council on June 9, 2015 until June 23, 2015, per the applicant's request.</i>

<i>Item was postponed by the City Council on May 12, 2015 until May 26, 2015, per the applicant's request.</i>

<i>Item was postponed by the City Council on April 14, 2015 until May 12, 2015, per the applicant's request.</i>

<i>Item was denied by the Planning and Zoning Board on March 25, 2015.</i>
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- PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business District (NBD) Overlay on property located at an activity node area, for a proposed mixed-use development including 50,912 square feet of commercial space and 304 residential units, pursuant to Hialeah Code §98-1630.8, and granting a Variance Permit to allow 739 parking spaces, where 863 are required, allowing to satisfy the 76 required guest parking spaces with valet parking services pursuant to Hialeah Code §98-2189(16)a, to allow 186 units with less than 850 square feet from which 12 units have 580 square feet, where ten percent of residential units may have a minimum of 600 feet, to allow a front and side setback of 20 feet for the tower or middle of the building, where a minimum of 22 feet are required, to allow a setback of 20 feet for the cap or penthouse of the building, where a minimum of 34 feet are required, to allow an interior side setback of 20 feet and 15 feet for the cap or penthouse, where a minimum of 28 feet are required, contra to Hialeah Code §§ 98-2189(16)a, 98-1630.2, 98-16.0.3(e)1, and 98-1630.3(e)2. **Property located at 401 and 435 Hialeah Drive, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Shoma Retail, LLC. c/o Felix M. Lasarte*) **ITEM NEEDS TO BE POSTPOSED UNTIL SEPTEMBER 8, 2015 DUE TO REQUIRED ADVERTISING.**

<i>Item was approved on first reading by the City Council on June 23, 2015.</i>
<i>Item was approved by the Planning and Zoning Board on June 10, 2015.</i>

- PZ 3. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a duplex on a substandard-sized lot having an average width of 60 feet, where at least 75 feet are required, to allow a lot coverage of 33%, where a maximum of 30% is required, and to allow a proposed west side setback of 5.82 feet, where 7.5 feet are required for accessory building, contra to Hialeah Code §§ 98-544, 98- 2056(b)(2) and 98-546. **Property located at 841 East 14 Place, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Eleuterio A. Perez and Nidia Perez*)

<i>Item was approved on first reading by the City Council on August 11, 2015.</i>
<i>Item was postponed by the City Council on June 23, 2015 until August 11, 2015 because the applicants were not present.</i>
<i>Item was approved by the Planning and Zoning Board on June 10, 2015.</i>

- PZ 4. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a Duplex on each substandard-sized lot, each lot having an average width of 40 feet each, where at least 75 feet are required, to allow a total area of 5,160 square feet, more or less, where a total area of at least 7,500, is required, and to allow a proposed rear setback of 20 feet, where 25 feet are required for Accessory Building, contra to Hialeah Code §§ 98-544 and 98-547(A). **Property located at 925 East 24 Street, Hialeah, Florida.** Providing penalties

for violation hereof; providing for a severability clause; and providing for an effective date.
(Applicant: *Horsebit Acquisitions*)

Item was approved on first reading by the City Council on August 11, 2015.

Item was approved by the Planning and Zoning Board on June 24, 2015.

- PZ 5. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow 13 parking spaces, where 18 parking spaces are required, of which 3 parking spaces will be on street parking, to allow 10 parking spaces to back-out into the street, where back-out into the street parking is only allowed in Low Density Residential Districts, and to waive all of the City of Hialeah Landscape Manual Requirements, contra to Hialeah Code §§ 98-2189(5), 98-2192(A), 98-2190 and 98-2233 on property zoned M-1 (Industrial District). **Property located at 791 West 25 Street, Hialeah, Florida.** Repealing all ordinances or parts or ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: *Diana Herrera/Embrace Balance LLC*)

Item was approved on first reading by the City Council on August 11, 2015.

Item was approved by the Planning and Zoning Board on June 24, 2015.

- PZ 6. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 94-22 (March 22, 1994), granting a Variance Permit to allow fourteen parking spaces, where 20 parking spaces are required and granting a Variance Permit to allow eight parking spaces to back-out into the street provided that the eight back-out parking spaces are used exclusively by employees, where back-out into the street parking is only allowed in low density residential districts, contra to Hialeah Code § 2190. **Property located at 145 East 49 Street.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Francisco Dieguez, Jr.*)

Item was postponed until August 25, 2015 during the Council Meeting of August 11, 2015 because the applicant was not present.

Item was approved by the Planning and Zoning Board on June 24, 2015.

- PZ 7. First reading of proposed ordinance granting a Variance Permit to allow a Temporary Waiver of Plat pursuant to Hialeah Land Development Code §10-4(c); **Property located at 385 West 42 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: *Artilleros, LLC*)

Item was approved by the Planning and Zoning Board on August 12, 2015.

- PZ 8. First reading of proposed ordinance granting a Variance Permit to allow a Waiver of Plat pursuant to Hialeah Code §98-831; and granting a Variance Permit to allow a rear setback of 15 feet, where 20 feet are required, and to allow side setbacks of 5 feet, where 5.04 feet are required, contra to Hialeah Code §§ 98-501 and 98-502. **Property located at 6588 West 22 Lane, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith;

providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Juan Carlos Ortega and J+J Property Administration Corp.*)

Item was approved by the Planning and Zoning Board on August 12, 2015.

PZ 9. First reading of proposed ordinance granting a Variance Permit to allow a Pylon Led Sign on property zoned C-2 (Liberal Retail Commercial District) outside the geographic area where LED Signs are permitted, with a height of 35 feet, where a maximum of 20 feet is allowed, a sign area of 240 square feet, where a maximum of 120 square feet is required, and a distance of less than 300 feet from property zoned Residential, where a minimum 300 feet is required; contra to Hialeah Code §§ 74-149(b), 74-149(g)(2)(b), 74-149(g)(2)(c) and 74-149(e). **Property located at 5301 West 20 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre Jr., Esq.*)

Item was approved by the Planning and Zoning Board on August 12, 2015.

NEXT CITY COUNCIL MEETING: Tuesday, September 8, 2015 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 10, 2015 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).